App. F. IX-4 .

193 b.
(Law)

File No. 234-36

Previous References

Ho 62-~~97~~1897(1-5)

Serial Nos. 1-2

Letter References.

PRESERVED

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for August 1937

SUBJECT.

Legal opinion whether the secy of the cooperative
ety is a public servant within the meaning
section 21 I.P.C

WD 0418—GPB—22,500—29-8-36

General and Revenue Secretariat | Law File No. 234 of 1936. [App. F. III–

Serial No.

From

The Registrar of Co-operative Societies

Letter no. 9352, dated 31-5-37

Requests to be informed whether the Secy of a co-operative Society registered under Mysore Co-operative Societies Regn. is a Public Servant within the meaning of Secs. 21 of I.P.C.

1) The Registrar of Co-operative Societies wants to know whether the Secretary of a Coöperative Society registered under the Mysore Co-operative Societies Regn. is a Public Servant as contemplated by Sec: 21 I.P.C. entitled to a Court certificate.

The Govt. Advocate may be consulted in the matter.

Submitted for orders.

15/6

2) The expression 'Public Servant' in Rule 7 (Chapter XXX of Criminal Rules of Practice Vol. I) is used as being synonymous with 'Government Servants', and not in the sense in which expression is defined in Section 21 of the I.P.C. It seems to me therefore unnecessary to express an opinion whether the Secretary of a Co-operative Society is a 'Public Servant' or not

WD 0417—GPB—30,000—8-9-36

File No. 234 of 1936

General and Revenue Secretariat

Serial No.

The meaning of Section 21 I.P.C.

BKR 14.7.37

(Gen. Secy)

GENERAL SECRETARY 14 JULY 1937 243

3) Please speak to me. The scope in the I.P.C does not seem to be materially different for the purpose of this case —

Sd/- 20/7/37

This connected with Gen. Secy BKR

4) I have carefully gone through the provisions of Section 21 I.P.C and I do not think the Secretary of a Co-operative Society can be brought under any of the descriptions enumerated in that Section.

5) I may also observe that Rule of Practice referred to by the Registrar applies only to Government Servants (and not all public Servants within the definition of Section 21 I.P.C) as it provides for payment of travelling allowance and batta at the rates admissible under the Mysore Service Regulations.

BKR 30/7

(Gen. Secy)

Objection may be informed accordingly. Please put up Secy L&G

Sd/- 31/7

BKR 31.7

Secretary L.S.G)

GENERAL SEC 30 JULY 193 225

General and Revenue Secretariat | File No. Law 234 of 1936. | [App. F. III—2

Serial No.

Subd with a dft. for approval.

2/8

DStva
BNR
2.8

Issued No P. 700, dt 4-8-37

GOVERNMENT OF MYSORE

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

Telegraphic Address: "CO-OPERT" BANGALORE

Dated, Bangalore, 21st May 1937

Lr 234-36-1

From

The Registrar of Co-operative Societies in Myso.., Bangalore.

To

The Secretary to the Government of Mysore,
Law Department,
Bangalore.

Sir,

I have the honour to request to be informed if the Secretary of a Co-operative Society registered under the Mysore Co-operative Societies' Regulation is a public servant within the meaning of Section 21 of the Indian Penal Code, entitled to a court certificate to establish his right to Travelling Allowance etc., under Rule 7 (Chapter XXX - expenses of witnesses) of Criminal Rules of Practice Volume I.

I have the honour to be,
Sir,
Your most obedient servant,

M. Subbarao
Registrar in charge.

L.S.29/5.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 7000/Secr 1/ Dated, Bangalore, 4th August 1937.

From

The *Secretary to the Government of His Highness the Maharaja of Mysore*

Local-Self Government Department.

To

The Registrar of Co-operative Societies in Mysore,
Bangalore.

Sir,

With reference to your letter No. 9352, dated 31st May 1937 requesting whether a Secretary of a Co-operative Society registered under the Mysore Co-operative Societies Regulation is a public servant within the meaning of Section 21 of the Indian Penal Code, I am directed to forward herewith a copy of the legal opinion expressed in the matter.

I have the honor to be,
Sir,
Your most obedient servant

BSR

for General Secretary to Government

Appendix F G—1]

SUBJECT .....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue..... 5-8-37

Signed by ..... Dm. BKR.

List of enclosures.....

Please make a copy of paras 2 to 4 + 5 of the notes.

Copied by .....

Examined by.....

Section Laws

File No. 234-36

Serial No. 2

No. P.G.O./Genl/2

To

The Regr. of Co-operative Societies.

Sir,

With Reference to your letter no. 9352, dated 31st May 1937, requesting whether a Secretary of a Co-operative Society Registered under the Mysore Co-operative Societies Regn. is a public servant within the meaning of Sec: 21 of the Indian Penal Code, I am directed to forward herewith a copy of the legal opinion expressed in the matter

I have etc.

BKR

for Gen: Secy.